

**CHAPTER: 900**

**Inmate Programs and Services**

**DEPARTMENT ORDER:**

**902 – Inmate Legal Access to the Courts**

**OFFICE OF PRIMARY  
RESPONSIBILITY:**

**DIR**

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**ACCESS**

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# Arizona Department of Corrections Rehabilitation and Reentry



## Department Order Manual

A handwritten signature in black ink, appearing to read "David Shinn", is written over a horizontal line.

David Shinn, Director

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## **STANDARDS**

American Correctional Association (ACA) Standards: 5-ACI-3D-01, 5-ACI-3D-02, 5-ACI-3D-03, 5-ACI-4A-26, and 5-ACI-7D-06

## **PURPOSE**

The Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR) ensures all inmates have direct access to the courts in all legal claims involving direct appeals from the conviction for which they are incarcerated, habeas petitions, civil rights actions, or conditions of confinement. The Department facilitates this access by making forms and specific legal assistance available to the inmate population. The system is designed to maximize inmates' opportunity to present the aforementioned legal claims to the State or Federal court, in a quick, efficient manner, with no barriers.

This Department Order establishes the process to be used by inmates for gaining access to the courts and describes the role of all parties involved. This Department Order sets forth all affirmative steps the Department shall take to assist inmates in obtaining access to the courts. This process does not affect the inmates' ability to independently pursue actions on their own or to obtain outside counsel to represent them. {5-ACI-3D-01}

## **RESPONSIBILITY**

The Legal Access Monitor, at the direction of the Department's General Counsel or designee, shall monitor all facilities to ensure the assistance provided to inmates by Paralegals conforms to all Department written instructions and contract provisions, and ensure employees are complying with the provisions of this Department Order. (See the Glossary of Terms.)

## **PROCEDURES**

**1.0 SYSTEM OVERVIEW** – Inmates shall have direct access to the courts through the mail.

- 1.1 Qualified Legal Claims - The Department may actively assist in the filing of documents involving only civil rights, conditions of confinement, appeals from conviction, or habeas petitions.
  - 1.1.1 Inmates who are unable to draft pleadings or to complete District Court/State forms without assistance may:
    - 1.1.1.1 Contact an attorney directly, at the inmate's expense.
    - 1.1.1.2 Request the court to appoint an attorney to represent them.
    - 1.1.1.3 Obtain active assistance through the Department from Paralegals, as outlined in section 4.0.
- 1.2 Inmates who need assistance filing pleadings or petitions in matters not related to section 1.1 above may seek assistance of counsel, the courts or other assistance outside the Department. The Department may provide assistance, but will be limited to the following:
  - 1.2.1 Inmates may use legal texts and resource materials identified in Attachment A, Legal Texts and Resource Material, as outlined in section 3.0.

1.2.2 Inmates may contact the Arizona State Appellate Courts and Federal District/ Appellate Courts directly, in writing, at the addresses provided in Attachment C, Federal Appellate/District Courts and State Appellate Courts.

1.3 Legal Research – There are no provisions made in this Department Order for extensive, generalized legal research.

1.4 Inmate Legal Assistants and Law Clerks – The Department shall not establish an Inmate Legal Assistance program, nor shall the Department take any affirmative steps to assist inmates who are helping other inmates with qualified legal claims.

1.4.1 Inmates are prohibited from assisting other inmates with non-qualified legal claims.

1.5 Right to Retain Counsel – This Department Order does not interfere with an inmate's right to retain counsel, to the extent he/she can afford counsel, and is willing to pay for the services of an attorney.

1.5.1 Inmates may, of course, avail themselves of pro bono services of a court-appointed attorney or court-appointed agent.

1.5.1.1 Inmates must provide a Court Order or other legal record from a court of law that establishes the legal responsibility of the attorney or court-appointed agent.

1.5.2 There are no provisions in this Department Order that implies that inmates may retain someone other than a licensed attorney for legal purposes.

**2.0 GENERAL RESPONSIBILITY** – Inmate legal access to the courts system relies on four specific groups of individuals, with general responsibility as follows: {5-ACI-3D-03}

2.1 Designated Staff – These staff members shall:

2.1.1 Catalog, maintain, inventory, and circulate legal resources in accordance with section 3.0, including legal materials in a digital/electronic format when available.

2.1.2 Make texts available for inmates who have limited access to the Inmate Resource Center/library in accordance with section 8.0.

2.1.3 Maintain records in accordance with Department Order #103, Correspondence/ Records Control.

2.1.4 Coordinate and document the scheduling of appointments for inmates to meet with Paralegals in accordance with section 4.0.

2.1.5 Assist inmates with properly completing Department forms, requesting assistance or having photocopies made.

2.1.6 Process inmate requests and facilitate the delivery of services including:

2.1.6.1 Notary services

2.1.6.2 Photocopying or supervising the photocopying of all qualified and non-qualified legal claims

- 2.1.6.3 Providing the court forms identified in Attachment B, Court Forms Packets
  - 2.1.6.4 Other chargeable services in accordance with sections 6.0 and 7.0
- 2.2 Paralegals – Although not required by law, the Department provides inmates with an opportunity to obtain assistance from qualified Paralegals to facilitate their access to the courts.
  - 2.2.1 Paralegals shall:
    - 2.2.1.1 Assist inmates who request assistance on qualified claims with the actual preparation of their initial pleadings or petitions for filing with the courts in accordance with section 4.0.
    - 2.2.1.2 Provide bilingual services in accordance with section 8.0.
    - 2.2.1.3 Approve qualified legal claim notary services paid for by the inmate in accordance with section 6.0, to the extent required by court rules.
      - 2.2.1.3.1 Documents shall be notarized by authorized staff in accordance with this Department Order.
      - 2.2.1.3.2 All notarization shall comply with the Arizona Notary Public Reference Manual and Arizona Revised Statutes (A.R.S.). No one may require a notary public to perform a notary service that contradicts this Manual or Statutes.
    - 2.2.1.4 Make the determination as to what legal documents require photocopying or notarization and the number of copies to be made in matters involving qualified legal claims where inmates have insufficient funds to cover the costs. The Paralegal shall consult with the Legal Access Monitor should a question or problem arises.
    - 2.2.1.5 Contact the Legal Access Monitor if they have any questions themselves pertaining to any aspect of the inmate access to the courts system.
    - 2.2.1.6 Contact the Warden or designee with questions concerning institutional activity, coordination, etc.
    - 2.2.1.7 Comply with Department Orders and other Department written instructions, as identified in their contract, as well as the terms and conditions of their contract.
    - 2.2.1.8 Record their time in accordance with section 4.0.
    - 2.2.1.9 Review questionable outgoing legal mail to determine if it qualifies as legal mail. (Mail not addressed to an attorney, judge or court, but may be required by Court Order or statute.)

2.2.2 Paralegals shall not:

- 2.2.2.1 Practice law, give legal advice, conduct legal research, represent an inmate or make referrals.
- 2.2.2.2 Aid inmates in any matter, legal or non-legal, which does not involve qualified legal claims. The Paralegal may direct inmates to where they may find information in the Inmate Resource Center/library.
- 2.2.2.3 Assist inmates in qualified legal claims beyond the initial filing of their pleadings with the courts.

2.3 Legal Access Monitor – The Legal Access Monitor shall:

- 2.3.1 Provide system-wide monitoring and operational oversight of the inmate legal access to the courts system.
- 2.3.2 Ensure Paralegals are assisting inmates in accordance with section 4.0.
- 2.3.3 Visit selected Inmate Resource Center/libraries to monitor the activities of the Paralegals, the operations of the inmate access to courts system, and review the legal resource material to ensure it is up to date and complete.
- 2.3.4 Resolve questions Paralegals and designated staff may have concerning the inmate legal access to the courts system.
- 2.3.5 Ensure inmates receive reasonable accommodations in accordance with section 8.0.
- 2.3.6 Perform other duties, as assigned.

2.4 Inmates

- 2.4.1 Inmates may use the resources available through this inmate legal access to the courts system
- 2.4.2 Inmates may draft their own pleadings, motions and other legal documents.
  - 2.4.2.1 Incomplete handwritten forms shall not be considered qualified for copying.
- 2.4.3 Inmates shall attempt to resolve issues related to any aspect of the inmate legal access to the courts system through designated staff and/or the Paralegal before contacting the Legal Access Monitor.
- 2.4.4 Inmates that are found guilty through the disciplinary process of charging or bartering in exchange for legal services, creating a security problem or assisting inmates with non-qualified legal claims shall be disciplined and precluded from helping other inmates in the future. No inmate shall be allowed to assist another inmate if the Warden or Deputy Warden determines a potential or existing security problem has developed or may develop or allowing such assistance may detrimentally impact institutional resources.

2.4.4.1 Inmates shall not possess another inmate's legal paperwork in their cell or housing area, or on their person.

2.4.4.2 Inmates who possess another inmate's legal paperwork in their cell or housing area or on their person shall be subject to disciplinary action.

2.4.5 Inmates shall mail legal materials in accordance with section 11.0.

### **3.0 LEGAL RESOURCES {5-ACI-3D-02}**

3.1 All institutions shall provide access to the legal resources in accordance with this Department Order.

3.1.1 All legal texts, manuals and other legal reference material available for use by inmates, identified on Attachment A, shall be kept in the Reserve/Reference section of the Inmate Resource Center/library or on a stand-alone Reserve/Reference Computer under the control of designated staff.

3.1.1.1 Inmates utilizing tablets shall continue to have electronic/digital access to all legal resource materials available in the Inmate Resource Center /library.

3.1.2 The Department shall ensure inmates have access to the name and address of the Arizona State Courts and Federal District/Appellate Courts (Attachment C). These addresses shall be made readily available to inmates, and shall be posted on Inmate Resource Center/library bulletin boards in each unit.

3.1.2.1 One or more copies of Attachment C shall be kept in the Reserve/Reference section of the unit Inmate Resource Center/library or available on a stand-alone Reserve/Reference computer for referral by inmates. These copies are not to be taken from the Reserve/Reference desk; however, if an inmate requires a copy, it may be purchased in accordance with section 7.0.

3.1.3 Inmate Resource Centers/libraries:

3.1.3.1 Shall not provide legal resource material except for the material in Attachment A and B set forth in this Department Order.

3.1.3.2 Are not required to possess and shall not possess older versions of the law or policy; there are no archive services.

3.1.3.2.1 Inmates requesting older versions of the law, for whatever reason, may contact the courts.

3.1.4 The Department shall not:

3.1.4.1 Supply inmates with forms, documents or any legal materials from other states. Inmates shall be responsible for contacting the out of state court to request any forms, documents or legal materials from that state.

- 3.1.4.2 Make computers or typewriters available to inmates in the unit Inmate Resource Center/library for the purpose of enabling inmates to do legal work.

3.2 Designated staff shall:

- 3.2.1 Catalog, maintain, and keep track of legal resources in the Reserve/Reference section of the Inmate Resource Center/library or on the stand-alone Reserve/Reference computer to prevent/minimize loss.
- 3.2.2 Complete a monthly inventory of legal resources. A copy of the inventory shall be sent to the Legal Access Monitor during the first week of the following month via interoffice mail.

3.3 The Legal Access Monitor shall:

- 3.3.1 Make recommendations to the Director/Designee to either purchase additional sets of legal resource materials or modify Attachment A, as appropriate.
  - 3.3.1.1 Any additions or deletions to the legal texts and resource material identified in Attachment A shall be subject to the approval of the Director or designee.
- 3.3.2 Reorder legal texts, as necessary, to replace missing texts and order updates as they become available from the publisher.
- 3.3.3 Provide designated staff with a supply of current court forms as identified in Attachment B. The inmate shall pay for copies of these court documents in accordance with section 6.0.

3.4 Inmate Access

- 3.4.1 Inmates who visit the Inmate Resource Center/library may check out legal texts, manuals, and other legal reference materials, during the hours the Inmate Resource Center/library is open, for use only in the Inmate Resource Center/library.
  - 3.4.1.1 Each book shall have a check out card, on which inmates shall write their name and ADCRR Inmate Identification Number (ADCRR Number).
  - 3.4.1.2 Inmates shall leave their Inmate Identification Card with designated staff, to be returned to them when they return the book.
  - 3.4.1.3 Any legal text or resource material, identified in Attachment A, that has not been returned or that has been damaged by the inmate is subject to disciplinary action; more specifically a 098 Criminal Damage Violation.
- 3.4.2 Under special circumstances, inmates who are unable to visit the Inmate Resource Center/library may obtain legal texts and resources for use outside the center/library. Complex Detention Units and Protective Custody Units shall maintain a legal resource library as prescribed in section 8.0.



**4.0 PARALEGAL ASSISTANCE** – Inmates may receive active assistance in the initial filing of pleadings involving qualified legal claims from Paralegals provided by the Department. (See Attachment D, Paralegal Assistance Request Process.) {5-ACI-3D-02}

- 4.1 Requesting Paralegal Assistance – Inmates desiring legal assistance in the initial filing of pleadings involving qualified legal claims from a Paralegal shall:
  - 4.1.1 Request an Inmate Request for Paralegal Assistance, Form 902-1, available in English and Spanish, from designated staff. Illiterate inmates shall contact designated staff, who shall help them complete the form. Inmates serving sentences pursuant to Interstate Corrections Compact and concurrent custody agreements shall make the request in accordance with section 8.0.
  - 4.1.2 Ensure the inmate portion of the form includes a plain, concise description of the qualified legal claim and the type of assistance requested from the Paralegal regarding the inmate’s qualified issues. The form shall not be used to ask legal questions.
  - 4.1.3 Ensure the following material is attached to the form, as applicable:
    - 4.1.3.1 For issues involving Section 1983 Civil Rights or Conditions of Confinement, inmates must first exhaust the issue through the Inmate Grievance Procedure in accordance with Department Order #802, Inmate Grievance Procedure, and attach all exhausted grievance forms.
    - 4.1.3.2 For issues involving Notices of Appeal from the Superior Court, a Rule 32 or habeas petition, inmates shall include the appropriate legal documents /orders from the trial court record.
  - 4.1.4 Once inmates have completed their portion of the form, give the form and documents directly to designated staff or place in a designated drop box or tray at the direction of designated staff.
- 4.2 Designated staff shall accept, sign and date the Inmate Request for Paralegal Assistance form, provide a copy to the inmate, and forward the form with any attached documents to the Paralegal. Designated staff:
  - 4.2.1 May either physically forward the Inmate Request for Paralegal Assistance form and associated documents to the Paralegal for review in person, or scan and send an electronic copy of the form and attachments (if any) via email to the Paralegal. Forwarded material shall not exceed 20 pages.
  - 4.2.2 Shall not intercept or delay Inmate Requests for Assistance forms.
  - 4.2.3 Shall schedule an appointment, in consultation with the Paralegal, and notify both the Paralegal and the inmate by completing the appointment section of the Inmate Request for Paralegal Assistance form and forwarding a notification copy to the inmate and to the Paralegal. Designated staff shall keep the file copy of the request and forward a copy to the Legal Access Monitor.

4.3 The Paralegal shall:

- 4.3.1 Review each Inmate Request for Paralegal Assistance form and determine whether the matter described involves a qualified legal claim.
- 4.3.2 Request a meeting be scheduled as outlined in this section to resolve a question as to whether the matter involves a qualified legal claim.
- 4.3.3 Not provide assistance with non-qualified legal claims and return the Inmate Request for Paralegal Assistance form and any attached documents to inmates through designated staff. When possible, the Paralegal shall direct the inmate to resources for non-qualified claims.
- 4.3.4 Maintain a copy of the Inmate Request for Paralegal Assistance form.
- 4.3.5 Meet with inmates in person, telephonically or through videoconference to provide necessary assistance with preparation of the initial pleading for filing. Paralegals shall not provide assistance beyond the initial filing stage.
  - 4.3.5.1 The unit Deputy Warden may set aside a designated area for Paralegal use.
  - 4.3.5.2 If requested by the Paralegal, a telephone with a speaker may be provided for use in tele-conferencing.
  - 4.3.5.3 In all instances, designated staff, together with security staff, shall ensure inmates meeting with Paralegals have space to prepare their actions.
- 4.3.6 Assist Arizona inmates in other states pursuant to Interstate Corrections Compact or concurrent custody agreements with initial pleading preparation in accordance with section 8.0.

4.4 The Paralegal may:

- 4.4.1 Authorize designated staff to copy/notarize documents in accordance with section 5.0 and 6.0 by completing the appropriate authorization requests.
- 4.4.2 Request additional meetings, as necessary. If additional meetings are required, designated staff shall schedule the meeting using a Paralegal Meeting Notification, Form 902-8.

4.5 Paralegal Meetings

- 4.5.1 Designated staff and the Paralegal shall work closely with security staff/other staff to determine the Paralegal's scheduled days and hours for meeting with inmates, based on the following:
  - 4.5.1.1 Inmate population
  - 4.5.1.2 Volume of requests
  - 4.5.1.3 Quick access

- 4.5.1.4 Court deadlines
    - 4.5.1.5 Appropriate attention to security issues
  - 4.5.2 The Paralegal shall be available on an as needed basis, based on number of requests, type of request and possible deadlines.
  - 4.5.3 Turn-outs for scheduled Paralegal meetings shall not be suspended except when a legitimate security concern exists.
- 4.6 Designated staff shall maintain the Paralegals – Unit Sign-In Log, Form 902-4, at each unit for the ingress and egress of the Paralegals for a period of three years and provide a copy of the form to the Legal Access Monitor, on a monthly basis, to use in verifying the Paralegal's on-site work hours.
  - 4.6.1 Paralegals shall record their time in hours to the nearest tenth using the Paralegal Activity Log, Form 902-3, on a weekly basis, and forward a copy to the Legal Access Monitor on a bi-weekly basis.
    - 4.6.1.1 The Legal Access Monitor shall review Paralegal Activity Log forms and billings for accuracy and determine the proper amount to be paid for work completed.
- 4.7 No retaliation or reprisal shall result from:
  - 4.7.1 An inmate for requesting assistance from a Paralegal or for exercising any other legal privilege pursuant to this Department Order.
  - 4.7.2 An attorney, agent of an attorney, or any other person for exercising any privilege pursuant to this Department Order.
- 4.8 Designated staff and/or Paralegals shall:
  - 4.8.1 Direct questions concerning this inmate access to the courts system to the Legal Access Monitor.
  - 4.8.2 Immediately report suspected abuses of this inmate access to the courts system to the Warden or Deputy Warden for review and resolution, ensuring the Legal Access Monitor is also advised.

**5.0 QUALIFIED LEGAL CLAIMS COPYING** – All requests for copying involving qualified legal claims (See Attachment E, Qualified Legal Claims Copying Process), except as provided in 5.3 of this section shall be reviewed by the Paralegal prior to copying as follows:

- 5.1 Inmates who want to purchase qualified claim photocopies shall submit an Inmate Request for Withdrawal, Form 905-1, to their assigned Correctional Officer (CO) III or an authorized staff member to verify that funds are available.
  - 5.1.1 The CO III or authorized staff member shall verify the availability of funds, and sign and date the Inmate Request for Withdrawal form in accordance with Department Order #905, Inmate Trust Account/Money System.

- 5.2 Inmates having available funds to cover the costs of copying service may request copies be made in accordance with section 7.0 as non-qualified legal documents or non-legal documents, which do not require the Paralegal's review.
  - 5.2.1 The inmate shall be responsible for payment of copies in accordance with section 6.0.
- 5.3 Inmates who do not have the funds available to pay for the requested service shall complete the appropriate section of a Request/Authorization for Qualified Legal Claim Copying, Form 902-2, and submit the request to designated staff with the documents to be copied attached, including a copy of the pleading if the documents to be copied are intended as an attachment.
  - 5.3.1 Failure to attach sufficient documentation to enable the Paralegal to determine if documents are qualified may result in a delay or return of the request to the inmate. If the Paralegal receives a request that is vague or does not substantiate a qualified legal claim, the Paralegal shall deny the request and require the inmate to submit another request with sufficient documentation.
    - 5.3.1.1 When inmates are obtaining active assistance from the Paralegal and have completed pleadings in the presence of the Paralegal, the Paralegal shall complete the Request/Authorization for Qualified Legal Claim Copying form and submit it with the pleading directly to designated staff for photocopying.
- 5.4 Designated staff shall:
  - 5.4.1 Sign and date the Request/Authorization for Qualified Legal Claim Copying form and provide the inmate a copy of the request as a receipt.
  - 5.4.2 Either physically forward the request and associated documents to the Paralegal for review in person, or scan and send an electronic copy of the request and attachments via email to the Paralegal.
    - 5.4.2.1 If inmates refuse to have their documents scanned and emailed to the Paralegal, a delay may occur.
- 5.5 The Paralegal shall:
  - 5.5.1 Review the packet to determine which documents shall be copied and how many copies are to be made. Documents which violate prison rules (i.e., gang symbols, instructions regarding illegal activities, etc.) shall not be copied.
    - 5.5.1.1 Documents may be reviewed by the Paralegal to the extent necessary to establish that the content pertains to qualified legal work.
  - 5.5.2 Consult with the Legal Access Monitor if Department Order compliance interpretation is needed.
  - 5.5.3 Complete the Request/Authorization for Qualified Legal Claim Copying form and return the packet to designated staff within three workdays of receipt.

5.6 Designated staff shall:

5.6.1 Make photocopies in accordance with the Paralegal's notation on the Request/Authorization for Qualified Legal Claim Copying form, ensuring the inmate has paid for the copies or the inmate's Inmate Trust Account (ITA) has been placed on hold in accordance with section 6.0. Copies shall be made, if possible, within three workdays of designated staff receiving the request form from the Paralegal. Extra time may be necessary for extensive copying requests.

5.6.1.1 All legal documents, including but not limited to, pleadings, briefs, motions, affidavits, copies of case law, and licenses submitted for copying as a qualified legal claim shall not be redacted, but may be read to the extent required to establish the contents of the document do not contain contraband.

5.6.2 Refrain from photocopying any documents, if so instructed by the Paralegal.

5.6.3 Arrange for a meeting between the Paralegal and the inmate, if so instructed by the Paralegal.

5.6.4 Keep a copy of the Request/Authorization for Qualified Legal Claim Copying form and:

5.6.4.1 Forward a copy of the form, together with the copied material, to the inmate.

5.6.4.2 Return the material above to the inmate if the request was denied.

5.6.4.3 Forward the Inmate Request for Withdrawal form to the Business Office in accordance with section 6.0, if the material is to be photocopied.

5.6.4.4 Forward a copy of all requests for qualified legal claim copying to the Legal Access Monitor on a monthly basis.

5.7 The Paralegal's decision is final. Inmates may present concerns regarding qualified legal claim copying to the Legal Access Monitor through designated staff using the Inmate Letter, Form 916-1.

5.8 Telephonic review of qualified legal copying requests may be done when designated staff and the Paralegal determine it necessary based upon time frames (e.g., verified impending court deadlines, date of Paralegal's next visit to the unit, etc.).

5.9 The Paralegal is not required to meet in person with the inmate to review a qualified legal copy request.

5.10 Requests for copies of Exhibits/Attachments shall have a legitimate pleading to support the copying of those documents. Exhibits/Attachments shall also relate to the pleading. The Paralegal may deny copying of documents if they do not directly relate to a pleading in an active court case.

**6.0 CHARGES – QUALIFIED LEGAL CLAIMS** – All inmates shall be responsible for payment for services related to qualified legal claims.

- 6.1 For issues relating to qualified legal claims, the service requested shall be provided in accordance with the Paralegal's notation on the request regardless of the inmate's ability to pay. However, if the inmate has funds available, the cost of the service shall be deducted from the inmate's ITA. If funds are not available, the inmate's ITA shall be placed on hold in accordance with Department Order #905, Inmate Trust Account/Money System, until such time as the debt is paid.
- 6.2 Fees charged for services include, but are not limited to:
  - 6.2.1 Qualified legal claim photocopying, including required court forms, other attachments or other documentation.
  - 6.2.2 Notary services related to qualified legal claims, or as required by statute or court rules.
  - 6.2.3 Court forms listed on Attachment B.
    - 6.2.3.1 Inmates shall pay for copies of these forms in accordance with this section.
      - 6.2.3.1.1 There is no charge for an initial request for a blank court form listed on Attachment B, or for one subsequent request on the same pleading.
- 6.3 Inmates who don't have the ability to pay, and who are requesting any service related to qualified legal claims shall complete and deliver to designated staff an Inmate Request for Withdrawal form. Inmates must also submit a Request/Authorization for Qualified Legal Claim and attachments (if any). All forms must be approved by the Paralegal prior to receiving the service requested.
  - 6.3.1 Designated staff shall indicate on the Inmate Request for Withdrawal form that the service is for qualified legal claims. Designated staff shall submit the Inmate Request for Withdrawal form to the Business Office when the service has been provided to the inmate.
  - 6.3.2 In accordance with Department Order #905, Inmate Trust Account/Money System, upon receipt of the Inmate Request for Withdrawal form, Business Office staff shall debit the inmate's ITA or place the inmate's ITA on hold if funds are not available. The form serves as documentation of the debit or hold.
- 6.4 The cost for copies of any qualified legal claim document is \$.10 per printed side (excluding those provided at no charge as outlined in 6.2.3.1.1 of this section).
- 6.5 The charge for notary public services shall be \$1.00 per notarized document, pursuant to A.R.S. §41-316.

6.5.1 Notary services related to statute or court required purposes shall be treated the same as qualified legal claims. The Paralegal or Legal Access Monitor can assist in determining these types of notary services.

6.6 The price charged for individual services, forms or copies shall be subject to periodic review and adjustment by the Director or designee.

**7.0 NON-QUALIFIED LEGAL CLAIMS SERVICES** – Inmates shall be charged for all non-qualified legal claim photocopies as well as other services related to non-qualified legal claims as provided for in this section. Non-legal copying shall be done in accordance with Department Order # 919, Inmate Resource Center/Library Services. (See Attachment F, Non-Qualified Legal Claims Copying Process.)

7.1 Inmates who do not have sufficient funds to pay for the copies/service at the time requested shall be denied the service or copies.

7.1.1 Inmates who have insufficient funds may, in order to determine if the requested services may be approved as a qualified legal claim, submit a Request/Authorization for Qualified Legal Claim Copying form in accordance with section 5.0.

7.2 All documents submitted for copying shall comply with Department Orders #909, Inmate Property and #919, Inmate Resources Center/Library Services, and shall not violate any other written instructions.

7.2.1 If there are any questions about the suitability of the copies, designated staff may consult with the Paralegal or the Legal Access Monitor if it appears the copying is legal in nature.

7.3 All non-qualified legal claim photocopies and notary services shall be chargeable.

7.3.1 All non-qualified legal claim photocopies shall be charged at \$.10 per printed side.

7.3.2 Inmates who request notary services for non-qualified legal claims shall be charged \$1.00 per notarized document.

7.4 An inmate who wishes to purchase non-qualified legal claim copies or notary services shall:

7.4.1 Submit an Inmate Request for Withdrawal form to his/her assigned CO III or designee who shall verify the availability of funds and complete the form as outlined in section 5.0.

7.4.2 Submit the following to designated Inmate Resource Center/library staff:

7.4.2.1 The Inmate Request for Withdrawal form, within two workdays of balance verification.

7.4.2.2 The Request for Non-Qualified/Non-Legal Copying, Form 902-7, and the documents to be photocopied.

7.5 Any attempt by inmates to have contraband documents copied shall result in the confiscation of the materials, denial of the Request/Authorization for Non-Qualified/Non-Legal Copying form and subject the inmate to disciplinary action.

7.6 Designated staff shall:

7.6.1 Arrange for delivery of the service, copies and/or forms and submit the Inmate Request for Withdrawal form to the institution Business Office where the appropriate deduction from the inmate's account shall be made.

7.6.2 Ensure the Inmate Request for Withdrawal form indicates it is for payment of non-qualified services or photocopies.

7.7 Non-qualified legal claims copying or non-legal copying shall not take precedence over copying of documents relating to qualified legal claims.

7.8 Court name and address documents shall be copied at a charge of \$.10 per printed side.

7.9 The Notice of Claim Against the State of Arizona form (Risk Management form for Attorney General's Office) required for property claims in accordance with Department Order #909, Inmate Property, shall be provided to the inmate free of charge. Inmates shall obtain this form from the Grievance Coordinator. This form is not to be used for any other purpose than as outlined in Department Order #909, Inmate Property.

**8.0 REASONABLE ACCOMMODATIONS {5-ACI-3D-03}**

8.1 Reasonable accommodations, as identified by medical staff, shall be made, as needed, to ensure access to the courts for inmates with special needs, to include inmates who are illiterate, non-English speaking, and disabled.

8.2 Inmates shall submit an Inmate Letter to request for an accommodation to their CO III, who shall ensure the request, is given to the appropriate staff (Librarian/Resource Center Specialist or Paralegal) for assistance.

8.2.1 Accommodation may include providing a tele-conference with a bilingual interpreter and the Paralegal. Certification is not required.

8.3 Arrangements shall be made for inmates who have limited access to the unit Inmate Resource Center/library to meet with Paralegals, to review legal resource materials, or to obtain forms or copies.

8.4 Complex Detention Units and Protective Custody units shall establish and maintain, within the unit, a collection of the required legal resource materials as identified in Attachment A.

8.4.1 The Warden shall designate a staff member to be responsible for those functions identified in section 2.0.

8.5 Arizona inmates serving sentences pursuant to Interstate Corrections Compact and concurrent custody agreements may request Paralegal assistance with the preparation of an initial pleading by submitting an Inmate Letter addressed to the Prison Operations Division, Special Services Administrator, who shall notify the Legal Access Monitor.

8.5.1 The Legal Access Monitor shall forward the inmate's request to a Paralegal, who shall provide assistance, via the mail, for post-conviction relief claims and condition of confinement/civil rights claims which arose in Arizona.



8.5.1.1 Any claim pertaining to conditions of confinement outside of Arizona shall be filed in the state where the inmate is confined. The mailings shall be made by Interstate Corrections Compact staff members at the expense of the Prison Operations Division.

8.6 The Department shall not make computers or typewriters available to inmates in the unit Inmate Resource Center/library for the purpose of enabling inmates to do legal or personal document preparation.

8.6.1 Inmates requesting an accommodation due to a disability shall be evaluated by a medical provider, who shall provide an opinion to the Prison Operations Division as to whether or not the inmate requires an accommodation for the claimed disability. The Warden, in consultation with the Legal Access Monitor, shall then decide what the accommodation shall be.

**9.0 LEGAL SUPPLIES** – Inmates may purchase legal supplies from the inmate store. Inmates lacking sufficient funds to purchase legal supplies will be provided legal supplies only for use on qualified legal claims, and only as outlined in this section.

9.1 Legal supplies are defined as supplies that are actually used for qualified and non-qualified legal claims. The Department is not required to provide supplies for personal/private use or for use on non-qualified legal claims.

9.1.1 Only supply items included in Department Order #909, Inmate Property shall be provided; there shall be no special order items.

9.2 Inmates shall be charged the current inmate store price for any item received.

9.3 Legal supplies may be requested monthly by inmates with insufficient funds for use on qualified legal claims. Inmates do not automatically receive legal supplies.

9.4 In order to receive legal supplies for use on qualified legal claims, inmates with insufficient funds to purchase their own legal supplies shall:

9.4.1 Request a Legal Supply Request, Form 902-5, from the Inmate Resource Center/library staff.

9.4.2 Complete and submit a Legal Supply Request form and an Inmate Request for Withdrawal form to designated staff.

9.5 The amount of legal supplies provided per month to inmates working on qualified legal claims and who request them, but do not have the funds to pay shall be:

9.5.1 One Pen

9.5.2 Two Pencils

9.5.3 Two Legal pad/writing pads (size 8 1/2" x 11")

9.5.4 Five regular envelopes (marked with 'LEGAL MAIL')

9.5.5 Five Manila envelopes (marked with 'LEGAL MAIL')

- 9.6 The Paralegal shall assist in determining if any inmates are actually working on a qualified legal issue and shall advise staff members of the approved quantity of legal supplies those inmates are to receive.
  - 9.6.1 If inmates require additional legal supplies, they must demonstrate that these additional supplies are necessary in order to present or support a qualified claim.
  - 9.6.2 To receive legal supplies after their initial request, inmates shall demonstrate that any legal supplies they have previously received are actually being used for qualified legal purposes.
- 9.7 Inmates who are presenting or supporting a qualified legal claim shall be provided the approved quantity of legal supplies regardless of their ability to pay. If inmates do not have sufficient funds available, a hold shall be placed on their ITA. Inmates wishing to obtain legal supplies for non-qualified legal claims may purchase them from the inmate store.
- 9.8 The procedure by which approved legal supply requests are filled shall be clearly defined and posted on the Inmate Resource/library bulletin board at every unit.

**10.0 LEGAL MATERIALS** – Inmates shall be permitted to maintain personal legal reference books and materials in their housing location. Inmates shall be provided with “banker” style boxes, sold in the inmate store, regardless of their ability to pay. If the inmate does not have funds available, a hold shall be placed on the inmate’s ITA. Inmates shall only be provided with sufficient boxes to properly store specific legal documents. Refer to Department Order #704, Inmate Regulations and Department Order #909, Inmate Property for further information concerning storage boxes.

- 10.1 Inmates are authorized to keep no more than three boxes of legal materials in their living area.
  - 10.1.1 Each box of legal material shall be numbered in sequential order.
  - 10.1.2 All boxes, to include those in storage, shall have the inmate owners name and ADCRR Number clearly written on the top and side of each box.
  - 10.1.3 All legal materials in an inmate’s possession are treated the same as any of his/her personal property and shall be subject to the same search policy.
- 10.2 Legal materials in excess of the three boxes shall be stored by the Department. In order to store excess legal materials, inmates shall, in the presence of staff:
  - 10.2.1 Seal legal materials in a box, after staff inspection for contraband.
  - 10.2.2 Ensure their name and ADCRR Number is written on the top and side of the box.
  - 10.2.3 Ensure the box of legal material is numbered in the next sequential order.
- 10.3 Inmates shall store and possess only their own personal legal materials. If a staff member discovers an inmate is storing or possessing another inmate’s legal materials, he/she shall return the legal materials to the owner regardless of whether or not disciplinary action is taken.

10.3.1 If it is determined an inmate has drafted legal documents on behalf of another inmate, and those documents are being stored or possessed by the inmate who drafted them, those documents shall be confiscated and not given to the inmate whose name may be listed on the documents.

10.4 Inmates who wish to exchange one box of legal material for another shall:

10.4.1 Notify the Property Officer by Inmate Letter.

10.4.2 Clearly indicate by number the box(s) to exchange.

10.5 The Property Officer shall exchange the box(s) of legal materials within three workdays from the date of receipt of the request, which shall be date stamped as received.

10.5.1 The legal materials to be exchanged shall be inspected for contraband by staff members and sealed in the presence of staff prior to exchange.

10.5.1.1 Only sealed boxes shall be exchanged.

10.5.1.2 A Checklist for Storage of Inmate Legal Materials, Form 902-9, shall be used any time legal materials are stored or exchanged.

10.5.1.3 Completed forms shall be placed in the Inmate Property File within five workdays.

10.6 Possession of legal material and/or legal texts or books shall be subject to the quantity limitations in accordance with Department Order #909, Inmate Property.

10.7 Compact discs sent in from attorneys shall be considered legal materials and following security scan and barring any security concerns shall be stored in the inmate's designated box(es) for legal materials.

10.8 Compact discs found to contain autopsy, crime scene, or sensitive victim photos will not be returned to the inmate, but instead shall be stored in the inmate's long term storage and made available for viewing by the inmate as outlined in Department Order #909, Inmate Property.

10.9 Audio equipment and CD-ROM, and other computer equipment may be made available for use by inmates if securable and under the supervision of qualified staff. Attorneys shall not include privileged material, victim photos, videotaped victim interviews, or autopsy photos on compact discs.

10.9.1.1 If available, computer equipment to read the compact disc may be made available to the inmate at the discretion of the Warden or designee.

10.9.1.2 Documents from compact discs shall not be printed off by staff or the Paralegal.

## **11.0 LEGAL MAIL {5-ACI-3D-02}**

11.1 Inmates shall identify outgoing legal mail by writing "LEGAL MAIL" on the lower left-hand corner of the envelope. (See the Glossary of Terms for guidance on what constitutes "legal mail.")

- 11.2 Inmates must address the mail and include the name of the attorney, court or judge. Staff members who process the mail shall return the mail to the inmate if he/she requests mail to be sent as legal mail and it is not to an attorney, judge, or court.
- 11.3 In inmate-initiated lawsuits, mail sent to a judge, court or ADCRR defendant prior to an Assistant Attorney General being assigned shall not be considered legal mail.
  - 11.3.1 If an inmate disagrees with this decision, he/she may request to have the Paralegal review by submitting a Paralegal Assistance Request form to determine whether it may be approved as Qualified Legal Claim service. The Paralegal may contact the Legal Access Monitor for direction.
- 11.4 Outgoing mail not labeled as legal mail shall be processed as regular mail.
- 11.5 All legal mail, outgoing or incoming, shall be logged in accordance with Department Order #914, Inmate Mail.
- 11.6 Staff members who process incoming or outgoing inmate mail shall:
  - 11.6.1 Generally identify all legal mail and record it on a log by indicating the inmate's name and the sender's name.
  - 11.6.2 Inspect such mail for contraband as outlined in this section, stamp the envelope "LEGAL MAIL, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY" using a commercial stamp, and log it before it is placed in the envelope and sealed by the inmate. {5-ACI-7D-06}
    - 11.6.2.1 All incoming legal mail shall be opened in the presence of the inmate and checked for contraband items, but staff members may not read, skim, scan, or review the written contents of any incoming legal mail, but should remain vigilant in searching for suspicious features that can be identified without reading the words on a page. Examples include, but not limited to, maps of prison complexes, shift change documents, and the like.
      - 11.6.2.1.1 Staff members may seize the mail if it does not qualify as legal mail, following consultation with, and approval from, the Deputy Warden or designee. The Deputy Warden or designee may contact the Legal Access Monitor for direction.
      - 11.6.2.1.2 Seized mail requires that an Inmate Property/Contraband/Disposition Tracking form be completed in accordance with Department Order #909, Inmate Property.
      - 11.6.2.1.3 Staff members who deliver incoming legal mail shall have the inmate sign and date the log, acknowledging delivery.
    - 11.6.2.2 Compact discs sent in from attorneys shall be considered legal materials and are to be stored in the inmate's designated box(es) for legal materials upon receipt.

- 11.6.2.2.1 In order to view the compact disc, inmates must submit an Inmate Letter to the unit Deputy Warden to request to view the compact disc.
- 11.6.2.2.2 Staff members shall be present upon initial review of the compact disc by the inmate. Staff members may not read, skim, scan, or review the written contents of any incoming legal mail, but should remain vigilant in searching for suspicious features that can be identified without reading the words on a page. Examples include, but are not limited to, maps of prison complexes, shift change documents, and the like. The inmate will then have an opportunity to conduct any legal work needed with the compact disc.
- 11.6.2.2.3 If contraband is found on the compact disc during the reviewing process, designated security staff shall terminate the session and seize the compact disc.
- 11.6.2.2.4 Seized compact discs require the completion of an Inmate Property/Contraband/Disposition Tracking form in accordance with Department Order #909, Inmate Property.
- 11.6.2.3 All outgoing legal mail shall be brought to the mail room by the inmate. Designated staff shall visually inspect mail for contraband items and log it before it's placed in the envelope and sealed in the presence of the inmate. Staff may not read, skim, scan, or review the written contents of any outgoing legal mail but should remain vigilant in searching for suspicious features that can be identified without reading the words on a page. Examples include, but not limited to, maps of prison complexes, shift change documents, and the like.
  - 11.6.2.3.1 If an inmate is ineligible to bring outgoing legal mail to the mail room, staff shall visually inspect, but not read, skim, scan, or review the written contents, and seal the mail in front of the inmate's cell.
  - 11.6.2.3.2 Staff may seize the mail if they determine it contains contraband items, following consultation with, and approval from the Deputy Warden or designee.
  - 11.6.2.3.3 The Deputy Warden or designee may contact the Legal Access Monitor for direction. Seized mail requires that an Inmate Property/Contraband/Disposition Tracking form be completed in accordance with Department Order #909, Inmate Property.
- 11.6.3 Send legal mail as first class mail regardless of the inmate's ability to pay the required postage.

- 11.6.4 Submit names of inmates claiming to have inadequate funds for postage to the Business Office, indicating postage due from the inmate. The Business Office shall either debit the inmate ITA or place a hold on the inmate's ITA if there are insufficient funds to pay the postage.
- 11.7 Designated staff shall not rely solely on the words "LEGAL MAIL" having been stamped on the envelope. Designated staff shall verify via online resources or contact the law firm or legal organization in a good faith effort to determine the name of the addressee responsible for the mail and that the addressee is a licensed attorney. Once verified, staff shall stamp "LEGAL MAIL" on the envelope.
  - 11.7.1 If there is any serious doubt as to whether the contents of the envelope contain legal mail, designated staff shall contact the Legal Access Monitor for direction.
- 11.8 Staff members suspecting abuse of the legal mail designation shall advise the Warden or Deputy Warden who shall take appropriate action following consultation with the Department's General Counsel or designee. An inmate who intentionally sends personal mail to a private address and falsely claims it is legal mail shall be subject to disciplinary action in accordance with Department Order #803, Inmate Disciplinary Procedure.
- 11.9 When applicable, staff members shall take the following steps to locate inmates to whom legal mail is addressed and to forward such mail to the inmate.
  - 11.9.1 Use the Arizona Correctional Information System (ACIS) and inmate records to locate any addressee of legal correspondence who is not located at the institution which received the correspondence, and to locate any inmate who has received legal mail which does not have an ADCRR Number as part of the address.
    - 11.9.1.1 Staff members shall have inmates verify they are the person to whom the legal mail is addressed utilizing the inmate's identification card.
  - 11.9.2 Staff members shall forward any legal mail to any inmate addressee who is under commitment to or supervised by the Department.
    - 11.9.2.1 Staff members should continue to exercise their discretion and take all reasonable and necessary steps to provide those inmates being held off-site (i.e., not in an ADCRR prison complex or facility) with reasonable access to their lawyers and the courts under the circumstances of their off-site custody.
    - 11.9.2.2 Responsible personnel should continue to be guided by the underlying premise of the Department's legal access policy that inmates should "communicate legal matter through the mail whenever possible."
      - 11.9.2.2.1 Inmates, offenders and parolees receiving forwarded legal correspondence shall notify the sender of their new address.

## **12.0 UNITED STATES (U.S.) DISTRICT COURT OF ARIZONA – ELECTRONIC DOCUMENT SUBMISSION – PILOT PROJECT (ASPC-EYMAN AND ASPC-LEWIS ONLY)**

12.1 Participation in the Electronic Document Submission (e-filing) Pilot Project is limited to inmates transmitting court filings to the U.S. District Court of Arizona while they are housed at the Arizona State Prison Complex (ASPC)-Eyman or ASPC-Lewis. The transmission of court filings through the pilot is free to all inmates. Any inmate who transfers out of these facilities shall resume submission of correspondence and court filings by mail.

12.1.1 Participation in this pilot project is mandatory. All court filing to the U.S. District Court-Arizona District must be transmitted through this pilot project.

12.2 Inmates shall present their original signed court filing to the Librarian/Resource Center Specialist or designated staff to be scanned.

12.3 Court filings shall be scanned and emailed to the Court by the Librarian/Resource Center Specialist. The Librarian/Resource Center Specialist and/or designated staff shall return original copies of scanned court filings and provide confirmations from the court that the filings were received. This will confirm the date and time the document was e-filed by the Clerk of Court.

12.4 After the filing is received from the courts, the judge will review the case. Once completed, the Clerk of Court will email the Service Order to the designated unit.

12.5 The Service Order will include directions for completing the service packet documents under the new procedures.

12.5.1 Inmates shall complete the USM285 form and one Notice of Lawsuit and Request for Waiver of Service of Summons for each defendant. These documents shall be emailed to the Clerk's Office, who will then complete the remainder of the service packet documents, make copies and forward them to the U.S. Marshal.

## **13.0 UNITED STATES (U.S.) COURT OF APPEALS FOR THE NINTH CIRCUIT – ELECTRONIC DOCUMENT SUBMISSION – PILOT PROJECT (ASPC-EYMAN AND ASPC-LEWIS ONLY)**

13.1 Participation in the Electronic Document Submission (e-filing) Pilot Project is limited to inmates transmitting court filings to the U.S. Court of Appeals while they are housed at ASPC-Eyman or ASPC-Lewis. The transmission of court filings through the pilot is free to all inmates. Any inmate who transfers out of these facilities shall resume submission of correspondence and court filings by mail.

13.1.1 Participation in this pilot project is mandatory.

13.2 All court filings to include briefs, motions, responses to Court Orders, and correspondence in pending Ninth Circuit Appeals (in which they are not represented by counsel) must be transmitted through this pilot project.

13.3 Original proceedings such as petitions for writ of mandamus or applications to file second or successive habeas writs are not included and must still be mailed to the Court. Case law or copies of District Court filings that are accessible to the Ninth Circuit on PACER should not be attached. Unreasonably lengthy exhibits may be rejected for scanning if they contain District Court pleadings.

13.4 Inmates shall present their original signed court filing to the Librarian/Resource Center Specialist or designated staff to be scanned.

13.5 Court filings shall be scanned and emailed to the Court by the Librarian/Resource Center Specialist. The Librarian/Resource Center Specialist /Resource Center Specialist and/or designated staff shall return original copies of scanned court filings and provide confirmations from the Court that the filings were received. This will confirm the date and time the document was e-filed by the Clerk of Court.

**14.0 LEGAL PHONE CALLS** - Inmates may make legal phone calls to an attorney as defined in the Glossary of Terms in accordance with the following: {5-ACI-3D-02}

14.1 Inmates shall communicate legal matters through the mail whenever possible.

14.2 Legal phone calls may be approved when it is reasonable and necessary to do so. Staff members shall approve court-ordered telephonic conferences and ensure the inmate is provided the opportunity to participate in the conference. This applies to inmates in detention. {5-ACI-4A-26}

14.2.1 Legal phone calls should not exceed 30 minutes in length. Additional time is permitted at the discretion of the Deputy Warden. Time limits do not apply to court-ordered telephonic conferences.

14.3 The Department shall not pay, reimburse or be responsible for the placement of inmate legal calls. All outgoing legal calls shall be collect.

14.3.1 Court-ordered telephonic conferences shall be placed at the Department's expense, using the in-state long-distance telephone service when necessary.

14.4 Inmates shall request legal calls 24 hours in advance, by submitting a Legal/Emergency Telephone Call Request, Form 915-2, through staff members designated by the Warden or Deputy Warden.

14.4.1 Upon approval, the call then shall be scheduled.

14.5 Legal phone calls shall only be denied or suspended due to security concerns, provided an effective method of legal communication remains available to the inmate.

14.5.1 Legal phone calls shall not be denied as a form of discipline (i.e. loss of privilege). {5-ACI-4A-26}

14.6 Legal phone calls shall not be monitored or recorded.

14.7 Staff members shall not listen to the conversation, but shall maintain visual contact of the inmate when the inmate is in an area where security or information may be compromised.

14.8 Inmates who are acting Pro Se are not entitled to make legal calls unless instructed by the courts.

14.9 If an attorney requests a legal phone call with an inmate, staff members shall contact the inmate first to determine if the inmate wishes the call. Staff members shall have the inmate complete the Legal/Emergency Telephone Call Request form to accept or refuse a legal call from the requesting attorney.



## **15.0 LEGAL VISITS {5-ACI-3D-02}**

### **15.1 Attorney/Agent of an Attorney Visits**

- 15.1.1 Attorney or agent visits shall be held in a location within the institution designated by the Warden, Deputy Warden or Administrator of the institution.
- 15.1.2 Attorneys or their agents shall contact the Warden, Deputy Warden or Administrator at least 48 hours in advance of the requested visit and provide their name and date of birth. Attorneys shall also provide their Bar number.
- 15.1.3 Contact or non-contact visits by attorneys or their agents shall be allowed (consistent with the safe, secure and orderly operation of the institution) only when they are approved in advance by the Warden, Deputy Warden or Administrator.
- 15.1.4 In an emergency, the Warden, Deputy Warden or Administrator may waive the advance notice requirement.
  - 15.1.4.1 In such cases, the attorney or agent shall provide, at the time of the visit, written justification for the emergency.
  - 15.1.4.2 When a justified emergency exists, space for the visit shall be provided, consistent with the safe, secure and orderly operation of the institution.
- 15.1.5 Attorneys and agents shall be advised the inmate shall be questioned to determine if the inmate wishes to meet with the requesting attorney or agent.
- 15.1.6 If the inmate agrees to meet with the attorney or agent, the visit shall be approved and scheduled.
- 15.1.7 If the inmate does not agree to meet with the attorney or agent, the attorney or agent shall be contacted within the same 48 hour period of the initial request and informed the visit has been denied. The appropriate staff member shall ensure a Visitation Waiver, Form 911-2, is completed in accordance with Department Order #911, Inmate Visitation.

### **15.2 Agents of an Attorney – The attorney shall understand he or she is ultimately responsible for the actions of his or her agent.**

- 15.2.1 The Warden, Deputy Warden or Administrator may exercise his/her discretion in permitting an agent to meet with an inmate. Any denial shall be for good cause and the Warden, Deputy Warden or Administrator shall be prepared to provide a reason for the denial.

### **15.3 Visits Under Court Order – Persons acting under a court order shall contact the appropriate unit staff member to arrange a visit with an inmate. An original certified copy of the Court Order shall be provided by such person to the appropriate unit staff member for inclusion in the inmate's Visitation, Institutional and Master File. Staff members shall contact the Attorney General Liaison with any questions or concerns about Court Orders.**

### **15.4 Processing a Special Visit Application – All special visit applications shall be processed on the Special Visit Application, Form 911-6, and ACIS.**

- 15.4.1 The attorney or agent will contact the Unit CO III or CO IV to process the Special Visit Application form.
- 15.4.2 The CO III or CO IV shall ensure that the Bar Number for the requesting attorney is included on the Special Visit Application form.
- 15.4.3 If the agent of the attorney is submitting the Special Visit Application form, the CO III or CO IV, shall ensure that:
  - 15.4.3.1 The attorney's Bar Number that the agent is representing is noted on the form.
  - 15.4.3.2 Any supporting documentation that will provide verification that the agent is working under the instruction of the attorney is included with the application and submitted to the Visitation Office.
- 15.4.4 Visitation staff shall:
  - 15.4.4.1 Ensure the Special Visit Application form is complete with all required information and supporting documentation.
  - 15.4.4.2 Process all Special Visit Application forms and upload the applications and supporting documentation into ACIS.

## **IMPLEMENTATION**

Wardens shall provide written direction which addresses the following, at a minimum:

- Identification of designated staff for carrying out responsibilities and processes required by this Department Order.
- Specific process for copying qualified, non-qualified, and non-legal materials.
- Specific process for submission of the Inmate Request for Paralegal Assistance and related documents to include charging for services.
- Process for legal resource and text check-out and monitoring, to include a specified period of time for check out.
- Allocation of space for Paralegal activities and/or storage of materials.

The assigned staff member at each institution shall notify the Legal Access Monitor of such directions, for final approval prior to implementation.

## **DEFINITIONS/GLOSSARY**

Refer to the Glossary of Terms

## **ATTACHMENTS**

Attachment A, Legal Texts and Resource Material  
Attachment B, Court Forms Packets

Attachment C, Federal Appellate/District Courts and State Appellate Courts

Attachment D, Paralegal Assistance Request Process

Attachment E, Qualified Legal Claims Copying Process

Attachment F, Non-Qualified Legal Claims/Non-Legal Copying Process

## **FORMS LIST**

902-1, Inmate Request for Paralegal Assistance

902-1S, Solicitud De Preso Para Ayuda De Paralegal

902-2, Request/Authorization for Qualified Legal Claim Copying

902-3, Paralegal Activity Log

902-4, Contract Paralegals – Unit Sign-In Log

902-5, Legal Supply Request

902-7, Request/Authorization for Non-Qualified/Non-Legal Copying

902-8, Paralegal Meeting Notification

902-9, Checklist for Storage of Inmate Legal Materials

## **AUTHORITY**

Lewis v. Casey, 116 S. Ct. 2174 (1996)

## **ATTACHMENT A**

### **LEGAL TEXTS AND RESOURCE MATERIAL**

The following legal texts and legal resource material may remain for use by inmates and shall be placed in the Reserve/Reference section of the General Library of each unit:

1. A complete set of Arizona Revised Statutes (non-annotated)
2. Arizona Revised Statutes (annotated), Volumes 5, 5A, 5B and 5C
3. Arizona Rules of Court - State
4. Arizona Rules of the Court - Federal
5. Federal Civil Judicial Procedure and Rules
6. Federal Criminal Code and Rules
7. A complete set of Department Orders or access to authorized computer-generated copies (General Access Department Orders only)
8. The Classification Manual
9. U.S. Code: 28 U.S.C. Section 2254 and Section 2241 to 2253
10. U.S. Code: 42 U.S.C. Section 1981 through 42 U.S.C. Section 2000e-1
11. Black's Law Dictionary
12. Rights of Prisoners 4th
13. The Law and Policy of Sentencing and Corrections 10<sup>th</sup> Ed.
14. Post-Conviction Remedies (Means)
15. U.S. Constitution (articles and amendments)
16. Arizona Legal Forms Book - Criminal Procedure.
17. Lewis v. Casey
18. Prisoner's Handbook (Rule 32) (Petitions for Post-Conviction Relief)
19. The Civil Rights of Institutionalized Persons Act (CRIPA) settlement agreement (Female units only)

Note: Any deletions or additions to the above list will be subject to the approval of the Director of the Arizona Department of Corrections, Rehabilitation and Reentry.

## **ATTACHMENT B**

### **COURT FORMS PACKETS**

The following court documents and forms shall be available in Legal Resource Centers. The Legal Access Monitor will provide current copies to designated staff as needed.

1. Arizona State Courts - Self-Help Resources
2. Federal Section 1983 Forms Packet
3. Federal Petition for Writ of Habeas Corpus by a Person in State Custody Forms Packet
4. State Notice of Post-Conviction relief (Pursuant to Rule 32 of the Rules of Criminal Procedure)
5. State Notice of Appeal from Superior Court
6. State Petition for Post-Conviction Relief (Pursuant to Rule 32 of the Rules of Criminal Procedure)
7. **Defendant** Request for the Court Record (**For** Post-Conviction Relief Record)
8. State Court Complaint
9. Petition for Review, Arizona Rules of Criminal Procedure, Rule 31.19(a)
10. Petition for Review, Arizona Rules of Criminal Procedure, Rule 32.9(c)
11. Petition for Review, Arizona Rules of Criminal Procedure, Rule 31.19 & 32.9(g)
12. State and Federal Notice of Change of Address Forms
13. State Certificate of Compulsory Arbitration
14. State Deferral or Waiver of Court Fees and Costs (State) Forms
15. State Deferral or Waiver of Appellate Court Fees and Costs Forms
16. Mandatory Civil Cover Sheet (Maricopa County)
17. Commutation of Sentence Application

## **ATTACHMENT C**

### **ARIZONA DEPARTMENT OF CORRECTIONS Federal Appellate/District Courts and State Appellate Courts**

#### **UNITED STATES COURTS**

Supreme Court of the United States  
1 First Street, N.E.  
Washington, D.C. 20543

##### **Phoenix:**

United States Ninth Circuit Court of Appeals  
401 W. Washington Street  
Phoenix, AZ 85003-2118  
OR

P.O. Box 193939  
San Francisco, CA 94119-3939

United States Bankruptcy Court  
401 W. Washington Street  
Phoenix, AZ 85003-2118

District Court of Arizona  
United States Courthouse  
401 W. Washington Street  
Phoenix, AZ 85003-2118

##### **Tucson:**

District Court of Arizona  
United States Courthouse  
405 W. Congress Blvd  
Tucson, AZ 85701-1711

#### **STATE APPELLATE COURTS**

Supreme Court of Arizona  
State Courts Building  
1501 W. Washington  
Phoenix, AZ 85007

##### **Phoenix:**

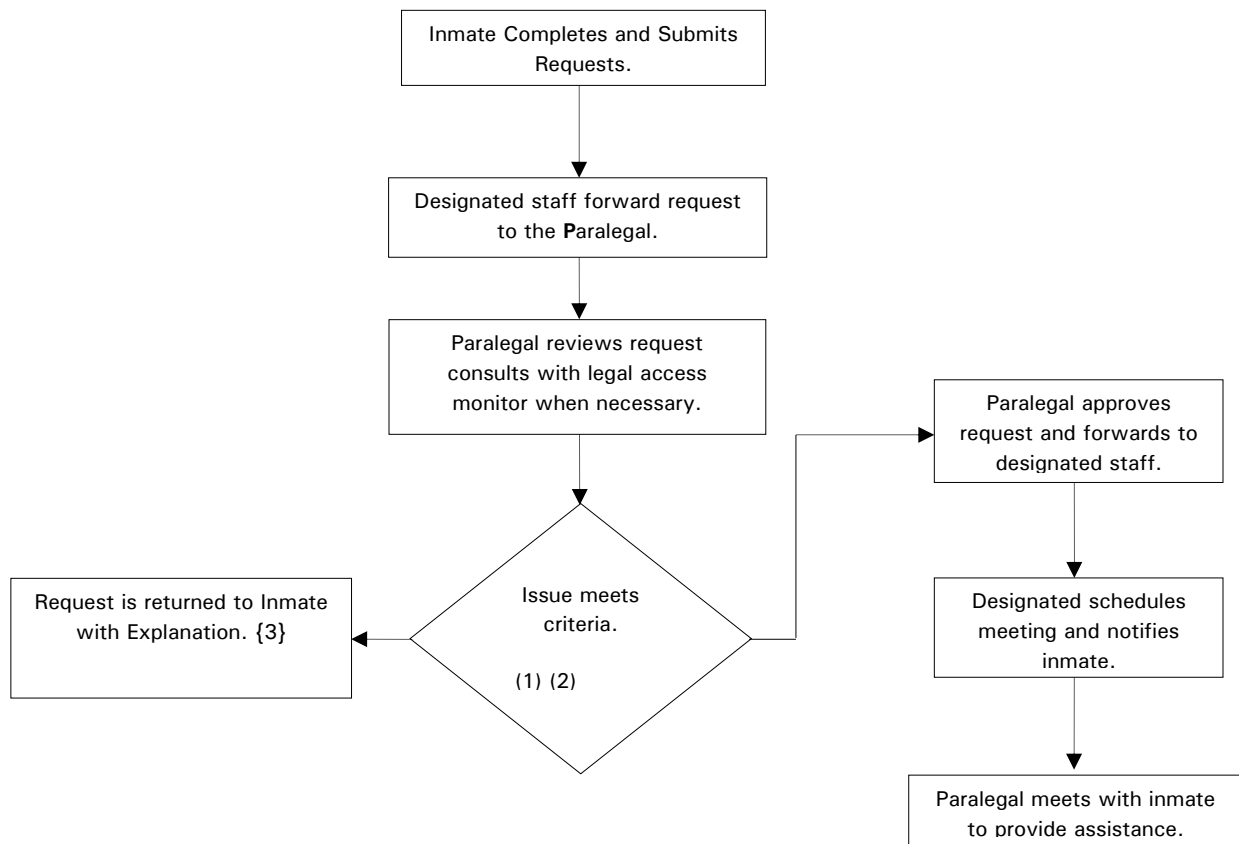
Court of Appeals Division 1  
State Courts Building  
1501 W. Washington, Second Floor  
Phoenix, AZ 85007

##### **Tucson:**

Court of Appeals Division 2  
State Office Building  
400 W. Congress  
Tucson, AZ 85701-1374

## ATTACHMENT D

### PARALEGAL ASSISTANCE REQUEST PROCESS



1) Qualified Legal Claim at the Initial filing stage.

(2) If the Paralegal is unsure whether issue meets the criteria he/she will request a preliminary meeting with the inmate to discuss the issue prior to approving or denying the request.

(3) See D0 902, section 7.0, Non-Qualified/Non-Legal Claims.

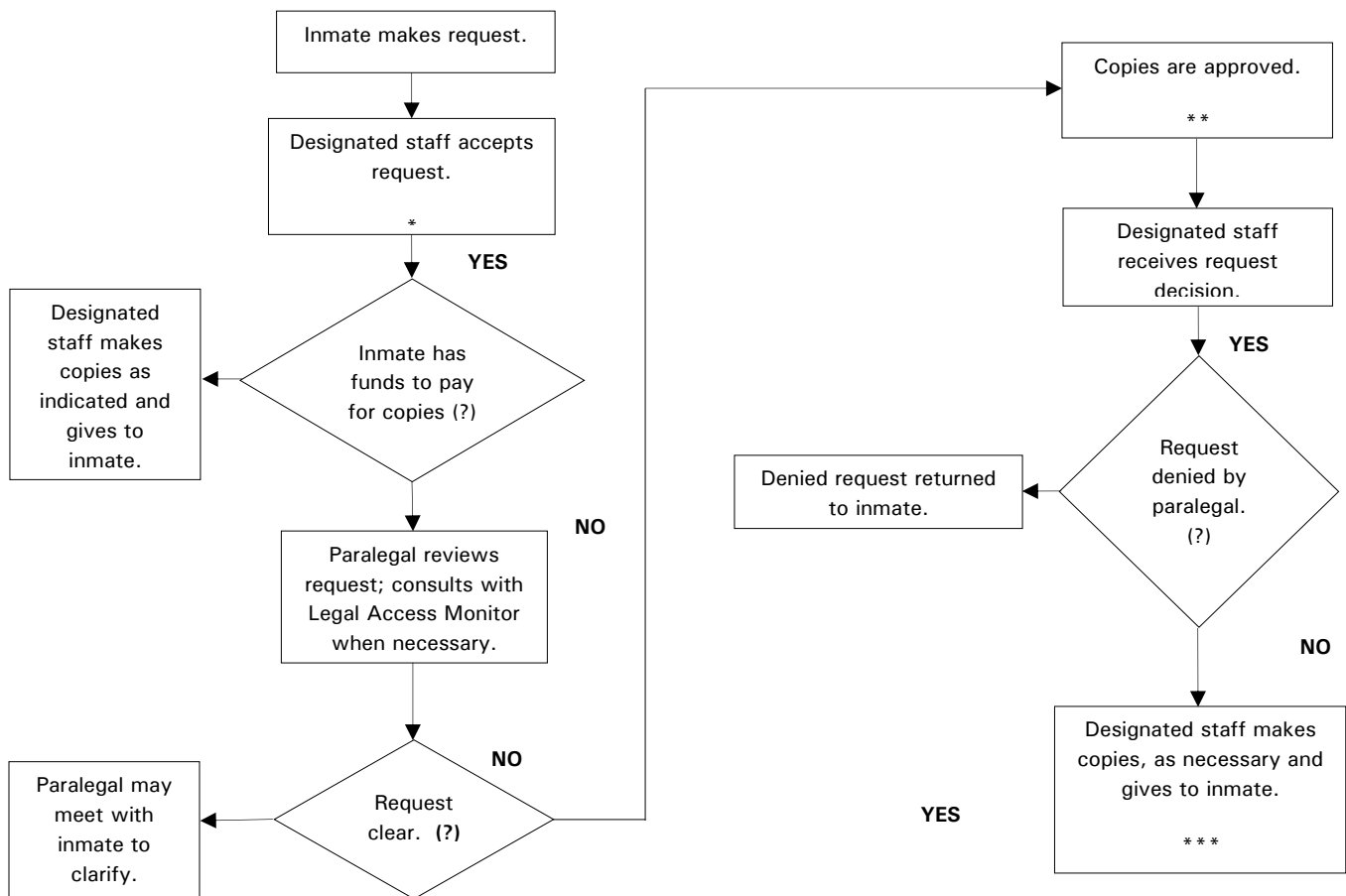
\* Copy of form to inmate.

\*\* Paralegal keeps copies of forms.

\*\*\* Copy of form to inmate, Paralegal, file, and Legal Access Monitor.

## ATTACHMENT E

### QUALIFIED LEGAL CLAIMS COPING PROCESS



\* Return one copy of the form to the inmate.

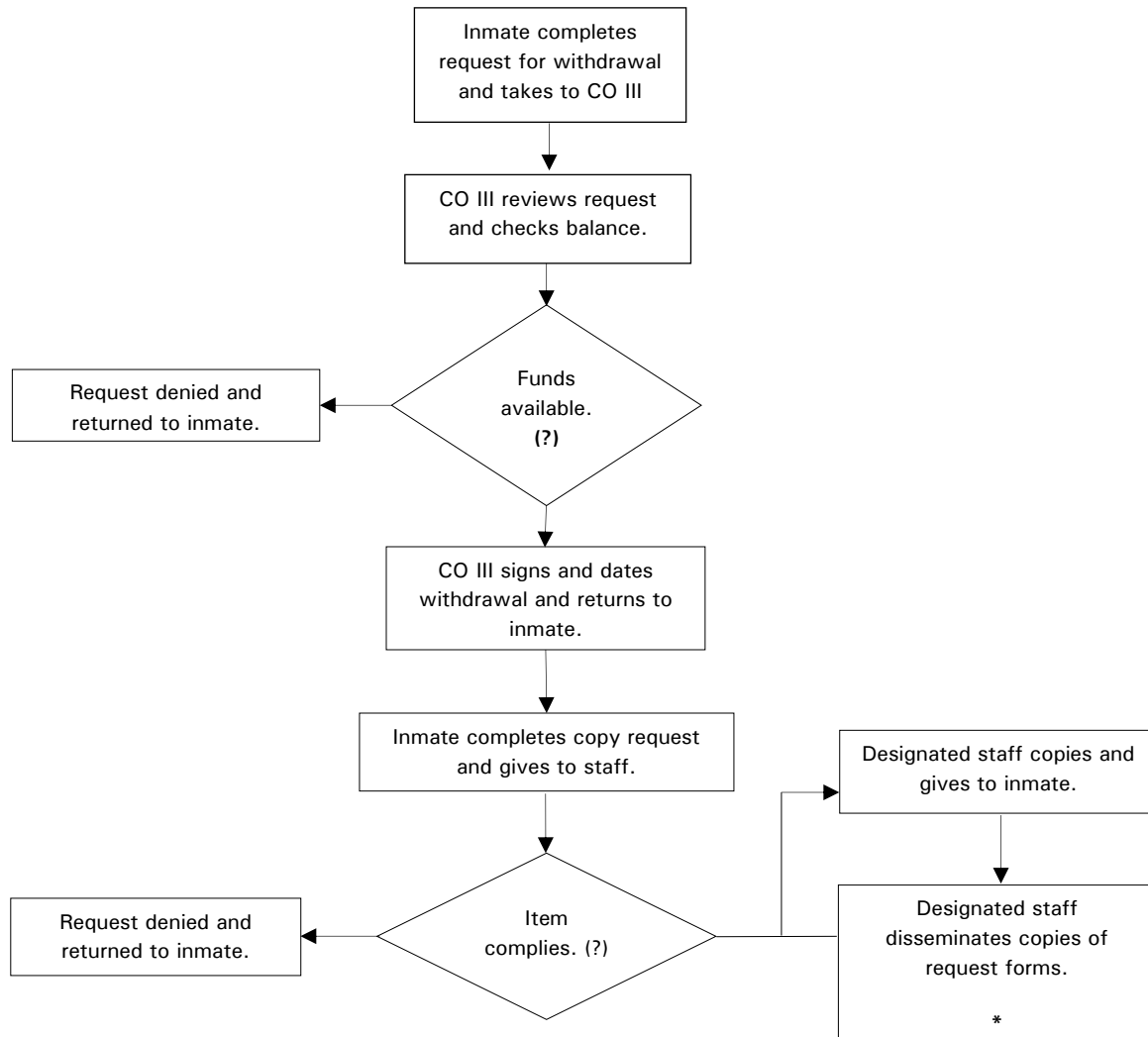
\*\* Keep copy of the form.

\*\*\* Copy of the form to the inmate, copy to the Legal Access Monitor, copy to the file.



## **ATTACHMENT F**

### **Non-Qualified Non-Legal Claim Copies**



(1) Item requested for copying does not violate any requirements at prohibitions established in Department Orders or other written instructions.

\* Copy of form to inmate, copy for file.